

consumers who live outside the borders of the United States;

Whereas the fundamental purpose of the WTO is to create space for members to negotiate with each other, and the WTO reserves to those members exclusively the right to negotiate and adopt rules that reduce and eliminate trade barriers and discriminatory treatment;

Whereas the prompt settlement of disputes in which a member of the WTO considers that its rights are being impaired by the actions of another member is essential to the functioning of the WTO and the maintenance of a proper balance between the rights and obligations of members;

Whereas the WTO's dispute settlement function, including in particular the Appellate Body, has increasingly failed to enforce the rules of the WTO in a timely manner, and has usurped the negotiating prerogative of members by creating new obligations and rights that are inconsistent with the rules negotiated by members;

Whereas the creation of those obligations and rights undermines—

(1) the WTO's negotiating function by discouraging members from making concessions; and

(2) the WTO's dispute settlement function by encouraging overuse of the process and undermining its legitimacy, including by preventing free market economies from responding to globally trade distortive practices by nonmarket economies;

Whereas the WTO does not have sufficient rules to discipline the distortive economic policies of nonmarket economies, such as policies relating to excess capacity and forced technology transfer, the special treatment those economies afford to state-owned enterprises, and their massive and opaque industrial subsidies;

Whereas there is long-standing bipartisan support in the United States Congress to reform the WTO to address those failings;

Whereas the current presidential administration, as well as prior administrations, raised concerns about the failings described in this preamble and have made reform of the WTO a top priority of United States trade policy;

Whereas the United States urges WTO members to work constructively with the United States to assess the reasons why the existing WTO rules have proven inadequate in order to create an atmosphere within the WTO that is conducive to the development of new rules less subject to jurisprudential drift;

Whereas the guiding principle for reform of the WTO, and the lens through which WTO members should consider specific reform proposals, is the restoration of the WTO's capability and capacity for negotiation between members; and

Whereas, given that the United States has achieved its trade policy objectives through active leadership at the WTO, and that an absence of that leadership would be filled by nonmarket economies that are hostile to a host of United States interests: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) while the United States finds value and usefulness in the World Trade Organization (in this resolution referred to as the "WTO") in order to fulfill the needs of the United States and other free and open economies in the 21st century, significant reforms are needed;

(2) the United States must therefore continue to demonstrate leadership to achieve reforms that restore the effectiveness of the WTO's—

(A) negotiating function;

(B) dispute settlement function so that it transparently, efficiently, and fully enforces outcomes negotiated by members rather than usurping their primacy by creating new rights or obligations; and

(C) rules for special and differential treatment to ensure those rules promote development for truly disadvantaged countries, rather than becoming tools for globally competitive countries to engage in protectionism and market distortions;

(3) the efforts to reform the negotiating function of the WTO should revitalize the negotiating function by providing confidence to members that the WTO operates according to the rules as negotiated and adopted by members;

(4) a revitalized negotiating function must include new rules that reflect the 21st century economy, further combat anticompetitive and protectionist barriers, and ensure disputes are efficiently resolved;

(5) the United States Trade Representative should continue to lead efforts to work with WTO members to pursue reforms at the WTO that—

(A) ensure the dispute settlement mechanism faithfully applies the rules adopted by members, including by undertaking measures to ensure the WTO's Appellate Body does not create new rights and obligations;

(B) improve public confidence in dispute settlement by promoting greater transparency and efficiency in the conduct of proceedings;

(C) redress the consistent failure by certain members to satisfy their notification obligations under various WTO agreements, including through measures that strengthen accountability;

(D) ensures rules for special and differential treatment are appropriately reserved for countries whose state of development and global competitiveness actually warrants such flexibility;

(E) create new rules and structures that can serve the interests of the United States while promoting peace, prosperity, good governance, transparency, effective operation of legal regimes, the rule of law, and free enterprise; and

(F) expand upon the trilateral negotiations currently underway with Japan and the European Union; and

(6) the United States Trade Representative should explore and assess specific reform proposals, including—

(A) pursuing plurilateral agreements that further the interests of the United States while limiting the benefits accruing to countries that are not parties to those agreements;

(B) efforts to ensure that incorrect interpretations by the Appellate Body, including with respect to the Agreement on Safeguards, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, and the Agreement on Subsidies and Countervailing Measures, are corrected, and not to be deemed precedential;

(C) new rules and norms to address practices of nonmarket economies, such as practices relating to state-owned enterprises, which certain countries often utilize for objectives that cause severe trade distortions; and

(D) better implementation of existing rules, such as the prohibition in paragraph 4 of Article XIV of the General Agreement on Tariffs and Trade on currency manipulation, to ensure that those rules are effective to preserve the rights of free market economies.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2420. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2421. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2422. Mr. RUBIO (for himself, Mr. WARNER, Mr. COTTON, Mr. SASSE, Mr. CORNYN, Mr. BENNET, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra.

SA 2423. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2424. Mrs. FEINSTEIN (for Mr. CORNYN) proposed an amendment to the bill S. 1253, to apply requirements relating to delivery sales of cigarettes to delivery sales of electronic nicotine delivery systems, and for other purposes.

SA 2425. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2426. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2427. Ms. HASSAN (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2428. Ms. HARRIS (for herself, Mr. CORNYN, Mr. BLUMENTHAL, and Mr. SASSE) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2429. Mr. BENNET (for himself, Mr. CASEY, Mr. BROWN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2430. Mr. CRAPO (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2431. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2432. Ms. DUCKWORTH (for herself, Mr. SCOTT of South Carolina, and Ms. ROSEN) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2433. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2434. Mr. MANCHIN (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2301

proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2435. Mr. VAN HOLLEN (for himself, Mr. LEAHY, Ms. WARREN, Mr. MURPHY, Mr. UDALL, Mr. SCHATZ, Mr. HEINRICH, Mr. SANDERS, Ms. BALDWIN, Mr. CARPER, Mr. MERKLEY, Mr. KAINE, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2420.** Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

#### **SEC. 847. REQUIREMENT TO AWARD CONTRACTS UNDER COMMERCIAL E-COMMERCE PORTAL PROGRAM.**

The Administrator of General Services shall afford all commercial e-commerce providers that meet the requirements established under section 846 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 41 U.S.C. 1901 note) and the General Service Administration's requirements on data sharing and protection the ability to participate in the commercial e-commerce portal program established under such section.

**SA 2421.** Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

#### **SEC. 752. SENSE OF SENATE ON THE ARMED FORCES INSTITUTE FOR REGENERATIVE MEDICINE.**

It is the sense of the Senate that—

(1) the Armed Forces Institute for Regenerative Medicine (in this section referred to as "AFIRM") delivers critical regenerative-based technologies lead to functional and aesthetic recovery from injuries incurred during service in the Armed Forces;

(2) AFIRM is a highly rated, nationally respected public-private consortium leading the development of restorative therapies for battlefield trauma as part of several research and development programs directed to meet defined medical technology gaps for warfighter groups;

(3) the efforts by AFIRM span from research and development to clinical translation, implementation, and commercialization, with therapies developed for extremity and craniofacial trauma, skin and genitourinary injuries, and transplantation;

(4) each AFIRM project specifically addresses a key need of the wounded warfighter, which has helped guide research projects toward partnerships with industry

that can be reviewed for approval and entered into clinical trials for eventual placement in the marketplace;

(5) technologies developed by AFIRM include, in part, those that will result in the ability to generate and integrate functional composite tissue, neural pathways, vascularization, aesthetic skin, bone, and muscle;

(6) despite the technology challenges, the public-private teaming approach to medical research and development used by AFIRM has resulted in more than 24 products reaching clinical trials;

(7) it is essential that Congress continue to provide the necessary resources to sustain the technology exploration, maturation, and transition in regenerative medicine set forth by AFIRM; and

(8) the Senate highly encourages allocation of additional funds to AFIRM from the undistributed medical research funds provided in this Act to facilitate the continued implementation of the innovative consortium model used by AFIRM that has a proven track record of success.

**SA 2422.** Mr. RUBIO (for himself, Mr. WARNER, Mr. COTTON, Mr. SASSE, Mr. CORNYN, Mr. BENNET, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title X, add the following:

#### **Subtitle H—Wireless Supply Chain Innovation and Multilateral Security**

#### **SEC. 1091. DEFINITIONS.**

In this subtitle:

(1) 3GPP.—The term "3GPP" means the Third Generation Partnership Project.

(2) 5G NETWORK.—The term "5G network" means a radio network as described by 3GPP Release 15 or higher.

(3) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(4) NTIA ADMINISTRATOR.—The term "NTIA Administrator" means the Assistant Secretary of Commerce for Communications and Information.

(5) OPEN-RAN.—The term "Open-RAN" means the Open Radio Access Network approach to standardization adopted by the O-RAN Alliance, Telecom Infra Project, or 3GPP, or any similar set of open standards for multi-vendor network equipment interoperability.

(6) RELEVANT COMMITTEES OF CONGRESS.—The term "relevant committees of Congress" means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Commerce, Science, and Transportation of the Senate;

(F) the Committee on Appropriations of the Senate;

(G) the Permanent Select Committee on Intelligence of the House of Representatives;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the Committee on Homeland Security of the House of Representatives;

(J) the Committee on Armed Services of the House of Representatives;

(K) the Committee on Energy and Commerce of the House of Representatives; and

(L) the Committee on Appropriations of the House of Representatives.

#### **SEC. 1092. COMMUNICATIONS TECHNOLOGY SECURITY FUNDS.**

(a) USE OF DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY FUND.—As soon as practicable after the date of enactment of this Act, the Commission shall transfer from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E))—

(1) \$50,000,000 to the Public Wireless Supply Chain Innovation Fund established under subsection (b) of this section; and

(2) \$25,000,000 to the Multilateral Telecommunications Security Fund established under subsection (c) of this section.

(b) PUBLIC WIRELESS SUPPLY CHAIN INNOVATION FUND.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Public Wireless Supply Chain Innovation Fund" (referred to in this subsection as the "R&D Fund").

(B) AVAILABILITY.—

(i) IN GENERAL.—Amounts deposited in the R&D Fund shall remain available through the end of the tenth fiscal year beginning after the date of enactment of this Act.

(ii) REMAINDER TO TREASURY.—Any amounts remaining in the R&D Fund after the end of the tenth fiscal year beginning after the date of enactment of this Act shall be deposited in the general fund of the Treasury.

(2) USE OF FUND.—

(A) IN GENERAL.—Amounts deposited in the R&D Fund shall be available to the NTIA Administrator to make grants under this subsection in such amounts as the NTIA Administrator determines appropriate, subject to subparagraph (B) of this subparagraph.

(B) LIMITATION ON GRANT AMOUNTS.—The amount of a grant awarded under this subsection to a recipient for a specific research focus area may not exceed \$50,000,000.

(3) ADMINISTRATION OF FUND.—The NTIA Administrator, in consultation with the Commission, the Director of the National Institute of Standards and Technology, the Secretary of Homeland Security, the Secretary of Defense, and the Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence, shall establish criteria for grants awarded under this subsection, and administer the R&D Fund, to support research and the commercial application of that research, including in the following areas:

(A) Promoting the development of technology, including software, hardware, and microprocessing technology, that will enhance competitiveness in the fifth-generation (commonly known as "5G") and successor wireless technology supply chains.

(B) Accelerating development and deployment of open interface standards-based compatible, interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the O-RAN Alliance, the Telecom Infra Project, 3GPP, the Open-RAN Software Community, or any successor organizations.

(C) Promoting compatibility of new 5G equipment with future open standards-based, interoperable equipment.

(D) Managing integration of multi-vendor network environments.

(E) Objective criteria to define equipment as compliant with open standards for multi-vendor network equipment interoperability.